

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

Plaintiff,

v.

20-cr-112 (JLS) (MJR)

RAMONE WALKER,

Defendant.

DECISION AND ORDER

Ramone Walker is charged in a 4-count indictment with: (1) possession with intent to distribute 28 grams or more of cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B); (2) possession with intent to distribute cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); (3) possession with intent to distribute 100 grams or more of heroin, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); and (4) maintaining a drug-involved premises, in violation of 21 U.S.C. § 856(a)(1). Dkt. 43. On August 6, 2020, United States Magistrate Judge Roemer was designated to hear and determine, and report and recommend on, all pre-trial proceedings under 28 U.S.C. §§ 636(b)(1)(A) and (B). Dkt. 45.

Walker filed omnibus suppression and discovery motions. Dkts. 61 and 62. His suppression motion argues that the search warrant leading to his arrest lacked probable cause and improperly relied on false and uncorroborated statements from a confidential informant. Dkt. 61-1. He also seeks a *Franks* hearing. *Id.* Additionally, Walker filed a supplemental motion for disclosure of *in camera*

testimony made by the confidential informant to a state court judge in support of the search warrant application. Dkt. 68. The Government responded in opposition to Walker's motions. Dkts. 67 and 70.

Judge Roemer heard oral argument on the motions on June 8, 2021. Dkt. 73. He then issued a Report, Recommendation, and Order ("R&R") that, among other things, recommended denial of both the motion to suppress and supplemental motion for disclosure of *in camera* testimony. Dkt. 74.

Walker objected to the R&R asserting that it erred in both failing to order a *Franks* hearing and denying Walker the opportunity to review the *in camera* testimony of the confidential informant. Dkt. 77. The Government responded (Dkt. 79), and Walker filed a reply. Dkt. 80.

A district court judge may accept, reject, or modify the findings or recommendations of a magistrate judge. Fed. R. Civ. P. 72(b)(3). On dispositive matters, a district court judge must conduct a *de novo* review of those portions of a magistrate judge's recommendation that an objection is made. *Id.*

The Court has conducted a *de novo* review of the relevant record in this case, and studied the R&R, the objections, and the parties' briefs. Based on that review, the Court accepts and adopts Judge Roemer's recommendations.

CONCLUSION

For the reasons stated above and in the R&R, the R&R is AFFIRMED.

Walker's motions to suppress and to review the *in camera* testimony are DENIED.

The parties shall appear before the Court on August 30, 2021, at 2:00 p.m. for a status conference to set a trial date.

SO ORDERED.

Dated: August 25, 2021
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE